

**WILLIAMSBURG CITY COUNCIL  
NOVEMBER 13, 2008  
MINUTES**

The Williamsburg City Council held its regular monthly meeting on November 13, 2008, at 2:00 p.m., in the Council Chambers of the Stryker Building.

**ATTENDANCE**

Present were Ms. Zeidler, Ms. Knudson, and Messrs. Haulman, Freiling and Braxton. Also present were City Manager Tuttle, City Attorney Phillips, and City Clerk Crist.

Staff Attending: Assistant City Manager Miller, Deputy City Attorney Workman, Communications Specialist Hoving, and Department Heads Nester, Hudson, Serra, Weiler, and Yost. Ms. DeWitt was absent.

**CALL TO ORDER**

Mayor Zeidler called the meeting to order.

**COUNCIL MINUTES**

*Ms. Knudson Moved That City Council Approve the Minutes of the October 6, 2008 Work Session and the October 9, 2008 Regular Meeting. The Motion Was Seconded by Mr. Haulman.*

*Recorded Vote on the Motion:*

*Aye: Freiling, Braxton, Zeidler, Haulman, Knudson*

*No: None*

**Matters of Special Privilege**

**Presentation of First Place Award—Virginia Municipal League "Go Green" Initiative**

Mayor Zeidler said that Ms. Miller addressed the Go Green Initiative at the work session. Mr. Freiling represented the city at the Virginia Municipal League Conference and had the privilege of accepting the first place "Go Green" award. She noted that both York County and James City County also received awards.

Mr. Freiling said the "Go Green" Initiative gave us a framework in order to begin and he hoped we will improve and accomplish more in the future in our region. He thanked Mr. Tuttle, Ms. Miller, and the Green Team for their work. Mr. Freiling presented the Mayor with the award plaque and a check for \$3,000 from Mosely Architects. The city plans to purchase trees with the money.

**Recognition of Williamsburg Hospitality House—Certification as Williamsburg's First "Virginia Green Lodging"**

Mayor Zeidler said that representatives from the Hospitality House were present. She welcomed Mr. Steve Dees to the podium. Virginia Green is the statewide program that works to reduce the environmental impacts of Virginia's Tourism Industry. It is run as a partnership between DEQ, the Virginia Tourism Corporation and the Virginia Hospitality

and Tourism Association. The program encourages lodging facilities to be aware of their impact on the environment and to take steps to reduce these impacts. This is a self-certifying program where facilities must verify that they are at least practicing "Virginia Green Lodging" "core activities such as water and energy conservation.

Mayor Zeidler presented Mr. Dees with the award and expressed the city's congratulations.

Mr. Dees said he was pleased to be a member of the business community and to conserve and protect our beautiful city, state, and our environment. It is their goal to continue and to grow in their role in conservation efforts.

Mayor Zeidler noted that since this first award, the Westgate Timeshare, Aberdeen Barn, and Smithfield Ham Shoppe have received certifications.

**Virginia Arts Festival 2009 Season, Scott Jackson, General Manager**

Mr. Jackson presented Council members with copies of the "Virginia Arts Festival 2009 Season" brochures and a copy of the November 1, 2008 *Virginia Gazette* article about the upcoming season. Mr. Jackson summarized the 2008 Festival results. The festival recipe focused on four benchmarks: strong partnerships, great performing arts, reaching children, and tourism. Last year, tourists from eighteen states visited the festival, ticket sales increased 20%, and student participation increased from 390 to 1,000. Singer Patti Lupone will headline the 2009 Season and Colonial Williamsburg will serve as the primary venue for events. Mr. Jackson noted that James City County is now a financial contributor. This year, the festival will apply for a grant from the Virginia Tourism Corporation for a cooperative marketing grant. Mr. Jackson said that Williamsburg is the highlight of this exciting season.

Mayor Zeidler thanked Mr. Jackson and said she was excited about the increased statistics. She was looking forward to the upcoming events.

Mr. Haulman said that the festival as an important event in Williamsburg and it means reinforcement for the arts and tourism in our community. He was pleased to hear the statistics.

Mr. Braxton was pleased with the diversity of performers and inclusion of the students.

Mr. Jackson said that marketing efforts included partnering with Virginia Tourism to find people that are passionate about the arts and participating in cooperative ads for Festival Williamsburg. A Media Familiarization Tour is also planned to generate interest in Festival Williamsburg. Mr. Jackson said he would like to add another weekend to Festival Williamsburg in 2010.

Mr. Freiling suggested that Mr. Jackson look into pursuing involvement from York County. As a parent, he was excited to hear feedback from his daughter about the performances.

Mayor Zeidler said she looked forward to seeing Mr. Jackson in May.

## **PUBLIC HEARINGS**

### **PCR #08-021: Request of the Colonial Williamsburg Foundation to rezone 25.7 acres at 1440 Quarterpath Road from RS-1 to MS Conditional, Proposed Ordinance #08-28**

Reference for this item was Mr. Nester's report dated November 13, 2008. Mr. Nester explained that Colonial Williamsburg is requesting the rezoning of 25.7 acres on Quarterpath Road from Single Family Dwelling District to Museum Support District Conditional (which includes proffers). The property will be used as a pasture for small breeding herd and/or passive open space.

Mr. Nester reviewed the Comprehensive Plan for the area and pointed out the location on an aerial map. The submitted proffers limit the use to a pasture or open space, protect the integrity of the old landfill, limit the structures allowed to be built on the property, and provide that CWF will contribute \$3,500 toward improvements along Quarterpath Road. The proposed rezoning, with the proffers limiting the use of this property to a pasture, is consistent with the designation in the Comprehensive Plan as Parks, Parkway, Recreation land use. The pasture is compatible with the newly developed Reboubt Park to the north, will serve as a buffer area between the park and the Quarterpath Crossing Shopping Center, and is compatible with the future construction of a multiuse trail. The Planning Commission recommended approval of the rezoning.

Mr. Freiling disclosed that as an employee of the Colonial Williamsburg Foundation, he will refrain from discussion of this matter and will not vote for or against it.

Mayor Zeidler opened the public hearing.

**Ms. Tory Gussman, Director of Property Planning and Management for Colonial Williamsburg Foundation**, stated that Mr. Nester did a thorough job of describing this rezoning request. The city used the interior of this site as a landfill from 1960 to 1984. It is now grassed and is proposed to be used for a pasture and open space. The proffers will restrict the use of the property and protect the soil cap on the landfill. Ms. Gussman said that the animals are now kept at Carter's Grove.

No one else wished to speak. The hearing was closed.

*Mr. Haulman Moved That City Council Approve Proposed Ordinance #08-28, An Ordinance to Rezone Approximately 25.7 Acres Located at 1440 Quarterpath Road from RS-1 to MS Conditional. The Motion Was Seconded by Ms. Knudson.*

*Recorded Vote on the Motion:*

*Aye: Braxton, Zeidler, Haulman, Knudson*

*No: None*

*Abstain: Freiling*

*(See Adopted Ordinance #08-31)*

## **REPORTS**

### **Monthly Financial Statement**

*The Financial Report was received and ordered filed.*

Mr. Tuttle provided Council members with a copy of the "Room and Meal Tax Receipts" financial sheets showing for revenue sources from room and meal tax collections. Making certain assumptions, the net effect was a projection that there would be an \$800,500 shortfall of budgeted revenues. Mr. Serra has reviewed all other revenues and projected that if the current year budget were being done today, it would be \$975,000 less (3%) in the overall budget. Expenditures are being curbed and positions held open readying for reduction in next year's budget. Next month Council will receive the June 30, 2008 Comprehensive Annual Financial Report. It was a positive year from a budgetary standpoint. Mr. Tuttle was confident that this year would finish in the "black." The real concern is crafting the budget for the coming year that Council will receive in February.

Mayor Zeidler appreciated the caution in moving forward. Mr. Haulman hoped that the congressional stimulus package would include funding for state and local government ready projects. Mr. Freiling noted that the Governor stated at the VML Conference that next year would be much tougher with more cuts that would impact our city and local education. He suggested that we look at what we can do to position our community and businesses to be successful when the economic cycle turns around.

### **Monthly Departmental Operating Reports**

*The Monthly Departmental Reports were received and ordered filed.*

### **Planning Report**

#### **PCR #06-036: Amend the Zoning Ordinance to revise the review procedure for site plans, Proposed Ordinance #07-11 (and 07-11B).**

Reference for this item was Mr. Nester's report dated November 13, 2008. This is the last of three cases that were delayed until after completion of the Comprehensive Plan. Mr. Nester proposed some changes to the recommendations of the Planning Commission. He summarized the suggested changes as outlined in the proposed ordinance #07-11(B):

1. Minor site plans will continue to be reviewed by the Zoning Administrator.
2. Site plans not requiring a special use permit will be approved by the Zoning Administrator with advice from the Site Plan Review Committee as part of the SUP process.
3. Site plans requiring a special use permit would continue to be approved by Council upon recommendation by the Planning Commission. When a special use permit is approved with a preliminary site plan, the final site plan will be approved by the Zoning Administrator if it is in accord with the preliminary site plan.
4. Proposed housekeeping changes.

Mayor Zeidler said that the proposed ordinance was responsive to Council's conversation at the October meeting regarding final plat review when deemed necessary in the best interest of the city.

*Ms. Knudson Moved That City Council Adopt Proposed Ordinance #07-11B, An Ordinance Amending the Code of the City of Williamsburg, Chapter 21, Zoning, Article VII, Site Plans, By Revising the Site Plan Administration Process. The Motion Was Seconded by Mr. Haulman.*

*Recorded Vote on the Motion:*

*Aye: Freiling, Braxton, Zeidler, Haulman, Knudson*

*No: None*

(See Adopted Ordinance #08-32)

**City Manager Reports**

**Revised city's 2009 Legislative Priorities, Proposed Resolution #08-18**

Reference for this item was Proposed Resolution #08-18. Mr. Tuttle said that this was the final version of the Legislative Priorities based on Council's last discussion. It is now ready for adoption. Staff will schedule a meeting for December with Senator Norment and Representative Barlow to review the priorities.

*Mr. Haulman Moved Approval of Resolution #08-18, A Resolution Supporting Certain Local and State Legislative Priorities. The Motion Was Seconded by Mr. Braxton.*

*Recorded Vote on the Motion:*

*Aye: Freiling, Braxton, Zeidler, Haulman, Knudson*

*No: None*

(See Adopted Resolution #08-18)

**Adoption of 2009-2010 Goals, Initiatives, and Outcomes**

Reference for this item was the Final Draft of the City's Biennial Goals, Initiatives, and Outcomes 2009-2010.

Mr. Haulman said that the goals and initiatives may change because of the economy. Council plans to accomplish those things that it deems important.

Ms. Knudson noted that some people think the list is overly ambitious because of the economic climate, but it is a goal.

Mr. Freiling said renovating and expanding the Municipal Building as a "green building" was environmentally sensitive. We need to be aware of finances and need to take care, but investing in its infrastructure benefits our community because costs are lower, and can be a good thing for people in the community that depend on certain types of work.

*Mr. Haulman Moved That City Council Adopt the Biennial Goals, Initiatives and Outcomes for 2009-2010. The Motion Was Seconded by Ms. Knudson.*

*Recorded Vote on the Motion:*

*Aye: Freiling, Braxton, Zeidler, Haulman, Knudson*

*No: None*

**Unfinished Business**

**Appointments to Boards and Commissions**

*Mr. Haulman moved that City Council reappoint:*

***Mr. Andrew Edwards and Mr. Daniel Quarles to the Architectural Review Board for four-year terms effective January 1, 2009 to expire December 31, 2012;***

**Mr. Frank Ferrante** to the Board of Zoning Appeals for a five-year term effective January 1, 2009 to expire December 31, 2013;

**Mr. Robert Lane** to the Board of Building Code Appeals for a five-year term effective January 1, 2009 to expire December 31, 2013;

**Dr. Carl S. Ross** to the Social Services Advisory Board for a four-year term effective January 1, 2009 to expire December 31, 2012;

Appoint Ms. Esterine Moyler to the Social Services Advisory Board for a four-year term effective January 1, 2009 to expire December 31, 2012.

*The Motion Was Seconded by Mr. Freiling.*

*Recorded Vote on the Motion:*

*Aye: Freiling, Braxton, Zeidler, Haulman, Knudson*

*No: None*

*Ms. Knudson Moved that City Council Reappoint **Mr. Clyde A. Haulman** to the Williamsburg Redevelopment and Housing Authority for a four-year term effective February 6, 2009 to expire February 5, 2013. The Motion Was Seconded by Mr. Braxton.*

*Recorded Vote on the Motion:*

*Aye: Freiling, Braxton, Zeidler, Haulman, Knudson*

*No: None*

### **Number of Unrelated Persons per Dwelling Unit**

Mayor Zeidler said that Council heard a presentation on a number of persons per dwelling unit at the Monday work session as well as public comment. Council must decide whether to send this matter to the Planning Commission for study, community conversation, and a recommendation to Council, table it, or let it die. We need community dialog.

Mr. Haulman agreed that we need dialog and commented on the issue. Williamsburg is a unique historic town and college town, with neighborhoods surrounding the college. He noted that some landlords obey the law and monitor their tenants. A few refuse to obey the law, do not maintain their property, and turn a blind eye to the behavior of tenants. Many neighbors believe rental regulations are not enforced and students feel discriminated against with the three-person rule, and they are financially burdened because they are forced to live off campus because of insufficient housing on campus. This dialog includes all the shareholders. It began with the student assembly leadership to see how a three-person rule might be amended to allow a fourth person in a property, with certain criteria and adequate enforcement. It was his hope that Council would refer this matter to the Planning Commission and staff for community dialog that includes public meetings that moves toward a concrete process to modify the Zoning Ordinance in a manner that benefits all stakeholders. The real issue in this matter is not the number of people in a property but the behavior of those individuals. What can be done to change the behavior

of those few at the heart of this issue? The college has been an absent stakeholder. Students want to live close to campus, but the college is surrounded by traditional single-family neighborhoods with homes that cannot handle large numbers of residents, and are not appropriate for use as a boarding house for students who live off-campus. The college has consistently turned a blind eye to the impacts. While we celebrate the positive impacts the college has on the city, there are negative externalities that result when large number of students want and need to live in neighborhoods that surround the college. Drinking and partying houses in single-family neighborhoods are devastating to neighborhoods and are unacceptable to the people who live there. The college provides no oversight. In addition to the parties, there are shouts, cursing, vomiting, urinating, property damage, and trash; all intolerable. The college responds by providing a "drunk van," to campus, but they can do much better than that and he hoped that one of the outcomes is that it does better.

Mayor Zeidler noted that Mr. Tuttle, President Reveley and his Chief of Staff, and she met to discuss this issue and there is a sincere and open response from the college to work with students, neighbors and the city to address issues and sort through what can be done by these groups. The college and students are recognizing these behavioral problems, and that strategies and solutions are needed by all. Mr. Haulman was reassured by that.

Mr. Haulman said there was a lot of good will, but it needed to be pursued.

Ms. Knudson thought this needed to be discussed by the community. Many people have been worried about these issues. In addition to the college, the business community should be included in this conversation.

Mr. Braxton agreed with his fellow member's comments. He has heard from many citizens about this issue. He emphasized that he would like to see a focus group created, comprised of members from all stakeholders, to discuss this issue.

Mr. Freiling said community conversation is not an easy one to have but it is needed with residents, businesses, students, and the college. A focus group is a good idea. He relayed a story about a certain student and said he could understand the perception by students that they are being discriminated against. It is not always the number of people in a house, but the behaviors that impact the neighborhood. Perhaps the student judicial review should apply to off-campus situations. This is where the college administration and consequences come in. Look at the zero tolerance policy. This needs to be discussed. He did not think there is a rush to make a decision. This will not affect the students that are here now, but the ones that will be here in future years. He recommended Council send this to the Planning Commission, and ask it to convene a broader community group for discussion. It will be time well spent. If there is change, it needs to be sustainable. The more conversation we have, the better off we will be.

Mayor Zeidler and Council members discussed recommending this matter to the Planning Commission and the process for reviewing a draft ordinance and the talking points.

Mr. Tuttle commented that any change to the Zoning Ordinance must be referred to the Planning Commission. Perhaps Council should consider the best way to handle the

broader issues, such as behavior, as a community. The issues are related, but not handled the same.

Council members discussed who should be involved in a focus group, including city staff. There are lots of constituents.

Mr. Tuttle said that there is time and no rush. The zoning issue could be referred to the Planning Commission, and staff could come up with recommendations with a process to deal with the community conversation.

Mayor Zeidler said that would give more time to hear from people in the community.

*Mr. Freiling Moved That City Council Refer the Issue of the Number of Unrelated Persons Per Dwelling Unit to Planning Commission for Review and Recommendation, and Direct City Staff to Develop a Structure and Schedule for a Focus Group or Other Mechanism in Conjunction with the Planning Commission Review Process. The Motion Was Seconded by Ms. Knudson.*

*Recorded Vote on the Motion:*

*Aye: Freiling, Braxton, Zeidler, Haulman, Knudson*

*No: None*

## **OPEN FORUM**

**Bill Talley, 709 College Terrace**, supported the formation of a focus group to study renters as a whole. Respect for neighbors is not just a student issue. He recently volunteered to develop a welcome package for students moving in neighborhoods, and volunteered to serve on the focus group.

**Charles Ridinger, 5 Canterbury Lane**, thought the election of Ms. Knudson was a showing from the people in Williamsburg that they wanted the three-person rule and did not want change. Many of the people on his street are very elderly. He related a student rental experience during the last few years on his street and the problems with violations of rental regulations. The house is deteriorating and the owner has been around only twice. Who will enforce any change to the rental regulations? Currently, there is little enforcement and owners and tenants are given a lengthy time period to correct violations. It would be interesting to know how many violations of the three-person rule were cited over the last five years.

Mr. Ridinger said that 719 Richmond Road, owned by the Grangers, was cited for the type of replacement windows used and the Grangers were given five years to replace them. Who follows up after the five years to make sure they comply? The McCardle Building was cited for the type of siding on the building located at Route 199 and Jamestown Road. Who will follow up?

**Bill Dell, 322 Indian Springs**, thanked Vice-Mayor Haulman for his comments and particularly the issue of college involvement. He agreed with the previous speaker. He spoke about the helpfulness of John Delong, a student, who offered to help the residents



of Indians Springs after a hurricane this year. He asked that Council include as part of its charge to the Planning Commission and staff regarding the new regulations and design, a partnership between the college administration, student assembly, city, and residents, in the creation and enforcement of any proposed draft of the new housing occupancy ordinance.

2. Include in the regulations a provision that any property that is not part of the rental program as of November 1, 2008, be excluded from eligibility from the new rule. If not, the marketing strategy in neighborhoods will change because of what realtors and landlords will do if they believe they can have more tenants and raise rental prices.

**Matt Beato, 700 Landrum Drive**, related his experience about the three-person rule. He related his eviction experience. A Bulgarian student on a J1-Visa had no place to live and was invited stay at his rental house with two other students (totaling four people). This same type situation existed a lot in the downtown area. Their landlord found out and made them vacate the property because they were in violation of the three-person rule. The city would not have handled it that way—it would have given a compliance notice. Often students do not advise their landlord about safety issues because of the number of people residing at a residence. He heard people discussing the three-person rule along with concerns about loud parties and parking issues. He hoped that there would be discussion about particular situations related to the rental regulations in the coming months.

The meeting adjourned at 3:45 p.m.

Approved: December 11, 2008

Jeanne Zeidler  
Mayor

Shelia Y. Crist, MMC  
Clerk of Council